

PATENT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

| | | |
|---|---|--------------------------------|
| <u>In re</u> the patent application of |) | Docket No. SUNMP591 |
| Janardhana Swamy |) | |
| |) | Group Art Unit: 2673 |
| Application No.: 09/871,323 |) | |
| |) | Examiner: Kovalick, Vincent E. |
| Filing Date: May 30, 2001 |) | |
| |) | |
| For: METHOD AND DEVICE FOR SELF POWERED |) | Date: September 24, 2004 |
| <u>COMPUTER INPUT DEVICE</u> |) | |

DECLARATION UNDER 37 CFR § 1.131

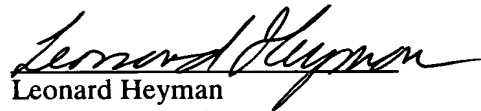
Mail Stop AF
Assistant Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Leonard Heyman, declare as follows:

1. I am a registered patent attorney working for Martine & Penilla, LLP.
2. Sun Microsystems, Inc. (hereinafter, "Sun") is the Assignee and our client in the present patent application.
3. The present patent application, along with the file and all its contents, was transferred to our custody from the law firm O'Melveny & Myers LLP as of July 15, 2004. See Exhibit 1.
4. In the normal course of business, Sun sends invention disclosure reports to its outside attorneys.
5. The invention disclosure report was printed, stamped, initialed, and docketed by Sun's legal department prior to being mailed to O'Melveny & Myers LLP on November 1, 2000.
6. The present Patent Application is based on a disclosure report that was present in the file when we received it from O'Melveny & Myers LLP. See Exhibit 2.

7. Based on my experience, this disclosure report is consistent with other disclosure reports we receive from Sun.
8. The disclosure report is initialed and dated November 1, 2000 by an employee at Sun.
9. Furthermore, the disclosure report indicates a date of conception of October 30, 2000.
10. Furthermore, the disclosure report is dated October 31, 2000.
11. The disclosure document is furthermore authenticated by a letter, labeled Exhibit 3, signed by Jeffrey L. Myers, under Sun letterhead, and dated February 26, 2003. The letter lists the aforementioned disclosure document as an enclosure, particularly describing it as, "Original Invention Disclosure Materials" under the signature.
12. The attached Exhibits are complete, true and correct copies of the aforementioned documents.


Leonard Heyman
Reg. No. 40,418

9/24/04
Date

EXHIBIT 1



**Intellectual
Property
Counsel**

710 Lakeway Drive, Suite 170
Sunnyvale, California 94085

PHONE: 408-749-6900
FAX: 408-749-6901

www.mpiplaw.com

July 15, 2004

Writer's Direct Dial:
(408) 749-6903
email: al@mpiplaw.com

Jeffrey L. Myers
Senior Patent Counsel
Sun Microsystems, Inc.
4120 Network Circle
MS USCA 12-101
Santa Clara, CA 95054

Re: Patent Application Entitled: METHOD AND DEVICE FOR SELF POWERED
COMPUTER INPUT DEVICE
Inventors: Janardhana Swamy
Application No.: 09/871,323
Filing Date: May 30, 2001
Your Reference: P5666
Our Reference: SUNMP591


Dear Jeff:

We have received from the Patent and Trademark Office (PTO) an Final Office Action regarding the above-identified application. A copy of the Final Office Action Summary, Notice of References Cited, Detailed Action and the cover page of each cited reference are enclosed for your records. A response to the Final Office Action is due on or before **August 24, 2004**.

Please note that this case was just transferred to us from O'Melveny & Myers, LLP, and we just received the Office Action copies on July 14, 2004.

Absent your instructions to the contrary, we will proceed to prepare a response to the Final Office Action and timely file it in the PTO. If you have any questions or need additional information, then please do not hesitate to contact us.

Very truly yours,
MARTINE & PENILLA, LLP



Albert S. Penilla, Esq.

ASP:slc
Enclosure

EXHIBIT 2

X-Unix-From: Maria.Moore@corp.sun.com Tue Oct 31 18:22:04 2000
Date: Tue, 31 Oct 2000 18:22:02 -0800 (PST)
Subject: P5666 - Invention Disclosure - Swamy
To: janardhana.swamy@eng.sun.com
Cc: richard.lutton@corp.sun.com, bernice.chen@corp.sun.com, pamela.a.disney@corp.sun.com,
celeste.filoia@corp.sun.com, kristine.bombaci@corp.sun.com, maria.moore@corp.sun.com

CONFIDENTIAL

Janardhana,

Here's a copy of your disclosure with the Sun reference number assigned to it (P5666). Please use this reference number when referring to this matter in the future. Should you have questions regarding the status of this disclosure, please contact your Managing Sun Attorney (listed below). Questions regarding any patent incentive payments should be directed to Kristine Bombaci, Incentive Program Specialist, x60821. Thank you again for submitting this disclosure!

PO: P5666 Country: US
Sun Atty: RJL Dir: ES
Patent: DISCLOSURE
Action: _____ Deadline: _____
Action: _____ Deadline: _____
Action: _____ Deadline: _____
Action: _____ Deadline: _____
Docketed by: NSD Date: 11/1/2000

Kristine:

Approved for bonus?
\$250 each
1) Janardhana Swamy

Note to the inventor(s): If approved, the incentive transaction will be processed two weeks from today. This means that your incentive payment may not show up until the pay period after the processing date.

SWAMY, JANARDHANA

janardhana.swamy@Eng

UMPK07-102 650-470-1934

----- Begin Forwarded Message -----

X-Unix-From: nobody@patents.Corp.Sun.COM Tue Oct 31 16:20:51 2000
Date: Tue, 31 Oct 2000 16:20:36 -0800 (PST)
To: undisclosed-recipients;;

NEW INVENTION DISCLOSURE BY Janardhana Swamy
(Janardhana.Swamy@Eng.Sun.COM)

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

Here is your copy of the new Invention Disclosure that you have just submitted. We will contact you shortly about preparing the patent application.

Thank you, Janardhana Swamy, for submitting this disclosure.

Generated by the SunWeb Patent Disclosure Form, v. 1.5.2 [06/03/00]
Found at: <http://patents.corp>

This is a new disclosure from Computer Systems--D.1. Hardware

Attorney Responsibility:
Sun Primary Attorney: Chip Lutton (RJL)
Managing Sun Attorney: Chip Lutton (RJL)

Note that the following sections are not in the same order as you entered on the form.

=====
8. Division - Business Unit

8B. Technical Category

The Technical Category is: INFORMATION APPLIANCES GROUP

9. DEPARTMENT, etc.

Department: INFORMATION APPLIANCES GROUP
Manager: satyanarayana.simha@Eng
Project:
Product(s):

1. TITLE: A method and device for self powered and cordless computer input device

This invention relates primarily to: HARDWARE

2. BACKGROUND AND RELATED ART

A. The technical problem is as follows:

- Addresses the limitation of existing cordless computer input device (mouse)
- The current cordless mouse needs battery replacement for few months of use. The invention described here can make the device operate for years (for decades also). ✓
- In different configuration, the described invention can make the device to operate indefinitely without ever requiring a battery replacement.
- The described invention still provides all the benefits of cordless input device.
- Thus no user maintenance is required and the device can be completely sealed.
- If batteries are left inside the existing device for long time, they can damage the device. This problem will not be there in the new device described in this invention.

B. The Closest Related Art is as follows:

Logitech Cordless MouseMan Wheel
<http://www.logitech.com/cf/products/productoverview.cfm/52>

3. DRAWING(S)

Drawings for this invention are AVAILABLE.

Comments about providing drawings:

I have some preliminary drawing already created which basically aimed to help in understanding the concept.
I can e-mail that (FrameMaker or PDF) to inventions@corp.

4. WRITTEN DESCRIPTION

The invention is described as follows:

This invention in general addresses problems with the current computer input devices. In specific, it addresses the cordless mouses that are existing today in the market.

The invention described here enables the mouse device to generate enough electrical power so that no external or portable power source (such as batteries) are required for its operation. Every time a mouse is moved, the human energy (hand movement) is converted into electrical energy inside the mouse which will be used to power the internal circuitry. While it can use the generated power to transmit the serial data to the computer indicating its new coordinates, the power can also be used to recharge the batteries, so that stored power can be made available when data transmission is required but no mouse movement is involved (e.g., clicking mouse buttons).

5. CONCEPTION OF INVENTION

Date of conception: 10/30/00
Date of first written description: 10/31/00

6. REDUCTION TO PRACTICE

Has the invention been reduced to practice? No.

Comments, if any, on conception of invention and/or first written description:

7. INVENTOR(S)

INVENTOR 1:

EIN: 81237
Name: Janardhana Swamy
Address: 1830 Anchor Way San Jose, CA 95132
Citizenship: Indian
Payroll:

INVENTOR 2:

EIN:
Name:
Address:
Citizenship:
Payroll:

INVENTOR 3:

EIN:
Name:
Address:
Citizenship:
Payroll:

INVENTOR 4:

EIN:
Name:
Address:

Citizenship:
Payroll:

INVENTOR 5:

EIN:
Name:
Address:
Citizenship:
Payroll:

COMMENTS on inventors or inventorship:

10. DATES OF PRODUCT TESTING AND RELEASE

Alpha Testing:
Beta Testing:
General release or sale:

COMMENTS on product testing and release:

11. DISCLOSURE OF INVENTION

Has there been any disclosure of the invention? YES

12. INTERNAL DISCLOSURE(S)

First disclosure date (internal at Sun): 10/30/00
Name of first discloser at Sun: lawrence.butcher@Eng, arvind.srinivasan@Eng

COMMENTS about first internal disclosure:

Colleague-level discussion about the idea.

13. ARTICLE(S)

Have any articles been published? NO

DETAILS about publication of article(s):

14. ADVERTISEMENTS, PRESS RELEASES AND PRODUCT ANNOUNCEMENTS

Any ads, press releases or product announcements? NO

DETAILS about any ads, press releases and product announcements:

15. OUTSIDE DISCLOSURE(S)

Have there been any disclosures outside Sun? NO

Were all outside disclosures under NDA?

DETAILS about any disclosures outside Sun:

16. TRADE SHOWS AND CONFERENCES

Are there any upcoming trade shows or conferences? YES

DETAILS about upcoming trade shows and/or conferences:

Possibly, but do not know when and where.

17. OUTSIDE COUNSEL:

18. RELATED CASES

ADDITIONAL COMMENTS BY INVENTOR:

This invention disclosure was submitted by Janardhana Swamy, whose email address is:
Janardhana.Swamy@Eng.Sun.COM

Server protocol: HTTP/1.0
Remote host:
Remote IP address: 129.144.50.128

----- End Forwarded Message -----

EXHIBIT 3

Sun Microsystems, Inc.
Intellectual Property Law Department
Jeffrey Myers, Patent Counsel
16 Network Circle, MS MPK 16-209
Menlo Park, CA 94025
Phone: (408)404-6811
Fax: (650) 786-2325



Mr. Brian Berliner
O'Melveny Myers
400 S. Hope Street, #1060
Los Angeles, CA 90071

February 26, 2003
Via First Class Mail

RE: Patent Application entitled: Method and Device for Self Powered Computer Input Device
Inventor: Janardhana Swamy
Application Number: 09/871,323
Filing Date: May 30, 2001
Sun Reference No.: P5666 NP/JLM/JLM
Your Reference #: ?????

Dear Brian,

Sun has selected you to prosecute the U.S. patent application based on the enclosed documents in the above referenced matter. It is our understanding that you will personally prosecute or supervise such prosecution. Any patent professional providing billable services in relation to this matter must be approved prior to commencement of work.

As counsel on behalf of Sun, it is your responsibility to (1) work directly with the inventors in prosecuting the application in compliance with Sun's specification and claim drafting guidelines; (2) determine all relevant events regarding any potential U.S. or International patent bar dates; and (3) obtain the necessary signatures and file the responses in a timely manner to preserve both U.S. and International patent rights. Please contact me immediately in the event of any problems.

With regard to this application, please note the following:

1. The inventor have been notified that you will be handling this matter on Sun's behalf. Please make initial contact with the inventor, Janardhana Swamy (janardhana.swamy@sun.com), within one week of receiving this letter to let him know you (or an approved person you have chosen) received the application.
2. Please send me a copy of the draft of the amendments when it is sent to the inventors for review. The draft may be faxed to me at 650-786-2325 or sent via regular mail to Sun Microsystems, Inc., M/S MPK16-209, 16 Network Circle, Menlo Park, CA 94025. Please note that this address should only be used for sending drafts as it bypasses our internal docketing system. All other documentation should be sent to the address in paragraph 10 below.
3. When preparing the Power of Attorney form, please add the following attorneys:

| | | | |
|------------------------|-----------------|-------------------------|-----------------|
| Marc D. Foodman | Reg. No. 34,110 | Monica Ward | Reg. No. 40,696 |
| Alexander E. Silverman | Reg. No. 37,940 | Elaine K. Lee | Reg. No. 41,936 |
| Anirama R. Gupta | Reg. No. 38,275 | Paul D. Sorkin | Reg. No. 39,039 |
| Sean P. Lewis | Reg. No. 42,798 | Marilyn E. Glaubensklea | Reg. No. 35,521 |
| Jeffrey L. Myers | Reg. No. 44,252 | Noreen A. Krall | Reg. No. 39,734 |
| Bernice B. Chen | Reg. No. 42,403 | Andrew C. Chen | Reg. No. 43,544 |
| Pavel Pogodin | Reg. No. 48,205 | | |

of SUN MICROSYSTEMS, INC., 4150 Network Circle, Santa Clara, CA 95054.

4. Per Sun procedures, please permit publication of this case in the United States unless contrary instructions are given.

5. Furthermore, please enter this case on your docket and send copies of all correspondence in this case to:

Kathy Broecker,
Patent Operations Manager
Sun Microsystems, Inc.
M/S USCA 12-203
4120 Network Circle
Santa Clara, CA 95054

6. In the case of assignments & powers of attorney etc., please use the following address:

4150 Network Circle, Santa Clara, CA 95054.

If you have any questions or comments regarding this matter, please do not hesitate to call.

Sincerely,



Jeffrey L. Myers
Patent Counsel
Intellectual Property Law Group

JLM/jv
Enclosures
Original Invention Disclosure Material
Copy of As filed Application
Filing Receipt
Copy of Notice of Recordation of Assignment
No FF instruction to docketing

cc: File, Docketing